

Remarks

The Office Action mailed March 4, 2009 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-3, 5, 6, 8-18, 20, 23-36 and 38-45 are pending in this application. Claims 1-3, 5, 6, 8-18, 20, 23-36 and 38-45 stand rejected.

Applicant and the undersigned wish to thank Examiner Ouellette for the courtesies he extended in a telephone interview that occurred on June 9, 2009. During the interview, the differences between the present invention and the cited reference, Krishnan, were discussed. For example, the undersigned pointed out that Krishnan does not describe or suggest creating a hierarchy of business units included within the business entity, wherein the hierarchy of business units includes at least a business entity level, an organization level, a site level, a department level and a building level, and wherein the organization level is a predefined sub-portion of the business entity level, the site level is a predefined sub-portion of the organization level, the department level is a predefined sub-portion of the site level, and the building level is another predefined sub-portion of the site level. Rather, Krishnan only describes a manager/executive screen shot, an executive/policy maker screen shot, and a worker screen shot. As such, Krishnan does not describe or suggest the presently pending claims.

Further, Examiner Ouellette requested that a declaration be submitted to provide further support for the differences between Krishnan and the presently pending application. Applicant is submitting herewith a Rule 1.132 declaration by Applicant. This response is made in consequence of the telephone interview on June 9, 2009.

The rejection of Claims 1, 11, and 16 under 35 U.S.C. § 101 is respectfully traversed.

Claims 1, 11, and 16 have been amended to recite steps being performed “at the server system” and “using the server system.” As such, Applicant respectfully submits that the use of the server system imposes meaningful limits on the scope of Claims 1, 11, and 16, and the involvement of the server system is not merely insignificant extra-solution activity.

Accordingly, Applicant respectfully requests that the rejection of Claims 1, 11, and 16 under Section 101 be withdrawn.

The rejection of Claims 1-3, 5, 6, 8-18, 20, 23-36 and 38-45 under 35 U.S.C. § 103(a) as being unpatentable over Krishnan et al. (U.S. Pub. No. 2002/0184068) ("Krishnan") in view of Official Notice is respectfully traversed.

Applicant respectfully submits that Krishnan is distinguishable from the subject matter claimed herein, and accordingly does not describe or suggest the claimed invention. Figures 13-15 and paragraphs 120-133 of Krishnan are cited as disclosing information that is stored and retrieved for three different business unit levels, namely Manager, Policy Maker and Worker. Moreover, it is asserted on page 6 of the Office Action that "Krishnan does disclose gathering Compliance Assurance information and providing/displaying it in a business hierarchy . . . it would have been obvious to one of ordinary skill in the art at the time the invention was made to display/provide the information in a variety of business levels/departments that would more efficiently/effectively allow personnel to deal with information specific to their situation." (Citation omitted.) Applicant respectfully traverses these assertions.

Applicant submits that the cited portions of Krishnan do not disclose a creation of a hierarchy of business units included within a business entity as presently claimed in independent claims 1, 11, 16, 17, 27 and 33, but rather discloses a personnel-based hierarchy of information storage and retrieval. This is believed to be evident from Figures 13-15 of Krishnan wherein persons at different personnel levels (Manager, Policy Maker, and Worker) are presented with different information and different options in the respective displays shown in Figures 13-15. Indeed, Krishnan recites at paragraph [0019] that several of Figures 13-23 "illustrate how different purposes for looking at data can be embodied in varying exemplary screen shots."

As such, Applicant respectfully submits that the personnel levels described by Krishnan are not analogous to the business hierarchy recited in the present claims, but rather Krishnan is conceptually different from the present claimed subject matter in important aspects, including but not limited to how information is organized, stored, processed, retrieved and presented to system users. For example, as is recited in the present patent application, a business entity may

include at least one organization, an organization may include at least one site, and a site may include at least one department and/or at least one building. Conversely, a manager/executive does not include at least one worker, and an executive/policy maker does not include at least one worker, but rather, a worker is merely a subordinate of a manager/executive and a worker is merely a subordinate of an executive/policy maker. In light of such fundamental differences, the presently claimed subject matter is not believed to be obvious.

Each of independent Claims 1, 11, 16, 17, 27 and 33 recites that the hierarchy of business units includes at least the business entity level, an organization level, a site level, a department level and a building level. Such levels of business units are not contemplated by the Krishnan disclosure, nor is Krishnan suggestive of such a hierarchy of business units. Rather, and as noted above, Krishnan discloses a personnel-based hierarchy of users that are each provided access to certain information that is specific to each user. Further, the information provided is not organized or presented using a business-based hierarchy having multiple levels of information including a business entity level, an organization level, a site level, a department level and a building level as claimed. The business-based hierarchy facilitates a focus on where in the larger business entity tasks are to be performed. Such information does not appear to be relevant to the Krishnan disclosure and Krishnan does not objectively suggest any desirability of providing such information.

Applicant further submits that three different personnel levels (Manager, Policy Maker, and Worker) of Krishnan cannot be used as a basis for describing the five different levels recited in the present claims (business entity level, organization level, site level, department level and building level).

Moreover, the personnel levels (e.g., managers/executives, executive/policy makers, and worker) described in Krishnan can only view information for a single company location or multiple user-entered locations. (See paragraphs [0120]-[0133].) Krishnan is completely silent as to organizing and displaying information based on a hierarchy of business units included within a business entity, wherein the hierarchy of business units includes at least a business entity level, an organization level, a site level, a department level and a building level, and wherein the organization level is a predefined sub-portion of the business entity level, the site

level is a predefined sub-portion of the organization level, the department level is a predefined sub-portion of the site level, and the building level is another predefined sub-portion of the site level. Merely displaying information based on personnel level at a single company location or at multiple user-entered locations does not describe or teach the ability to display information at multiple levels within a business entity wherein each the levels are part of a pre-defined hierarchy of business units.

Because Krishnan does not describe or suggest creating a hierarchy of business units as is recited in the present patent application, Krishnan could not describe or suggest storing CA information and a plurality of predetermined audit checklists within the centralized database including organizing the stored CA information based on the hierarchy of business units such that CA information is retrievable and displayable by at least one of the business units included within the hierarchy of business units, wherein the CA information includes CA tasks to be performed and a responsible person assigned to each task at each business unit included within each level within the hierarchy of business units. Rather, Krishnan describes assigning tasks that include a person responsible, a start date, a due day, and a function/department. (See paragraphs [0112]-[0115].)

Figure 18 and paragraph 136 of Krishnan disclose that the system displays a list of responsible persons for a number of tasks, but conspicuously do not identify their association with a particular business unit in a larger business entity. Applicant submits that this is further evidence of the user-based hierarchy that Krishnan appears to disclose, wherein the information turns upon specific people, but not their location in the larger business entity structure. Again, the business-based hierarchy recited in the present claims provides focus on *where* in the larger business entity tasks are to be performed. Krishnan does not disclose a business-based hierarchy, and therefore does not render the storage of “a responsible person assigned to each task at each business unit at each level within the hierarchy of business units” obvious. As applied by the Office, the business unit levels disclosed by Krishnan are personnel-based Manager, Policy Maker and Worker levels, but nothing in Figures 13-15 of Krishnan fairly disclose or suggest specifically to whom tasks are assigned at the Manager, Policy Maker and Worker levels.

Furthermore, because Krishnan does not describe or suggest creating a hierarchy of business units as is recited in the present patent application, Krishnan could not describe or suggest providing CA information for a selected business unit including providing CA tasks and a responsible person assigned to each CA task for the selected business unit. Rather, Krishnan describes showing a risk management report for either a selected site or all facilities. (See paragraphs [0125]-[0126]; see also Figure 14.) Notably, Krishnan does not describe or suggest selecting a business unit and displaying a plurality of locations associated with the selected business unit.

For at least the reasons stated above, the independent claims 1, 11, 16, 17, 27 and 33 are not obvious over Krishnan, and independent claims 1, 11, 16, 17, 27 and 33 are respectfully submitted to be patentable over the cited art.

The recitations of dependent claims 2-3, 5, 6, 8-10, 12-15, 18, 20, 23-26, 28-32, 34-36, and 38-45, when considered in combination with the respective base claims, are likewise submitted to be patentable over the cited art.

Moreover, the recitations of at least dependent Claims 2, 12, 23, 28 and 35 are believed to be independently patentable over Krishnan, as Krishnan nowhere discloses or suggests CA information that is retrievable and displayable in response to a selected business entity included within the business entity level, or by a selected organization included within the organization level corresponding to the selected business entity, or by a selected site which is included within the site level corresponding to the selected organization, or by a selected department which is included within the department level corresponding to the selected site, or by a selected building that is included within the building level corresponding to the selected department. Such levels are not available for a user to select in the system described by Krishnan and the Krishnan system is accordingly not suggestive of retrieving and displaying information in response to the selected levels.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-3, 5, 6, 8-18, 20, 23-36 and 38-45 be withdrawn.

In view of the foregoing remarks, all the Claims now active in the application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully Submitted,



Daniel M. Fitzgerald
Reg. No. 38,880
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070